

1 WRIGHT, FINLAY & ZAK, LLP
2 Darren T. Brenner, Esq.
3 Nevada Bar No. 8386
4 Lindsay D. Dragon, Esq.
5 Nevada Bar No. 13474
6 7785 W. Sahara Ave., Suite 200
7 Las Vegas, NV 89117
8 (702) 475-7964; Fax: (702) 946-1345
9 dbrenner@wrightlegal.net
10 ldragon@wrightlegal.net

11 *Attorneys for Plaintiff, U.S. Bank National Association as Legal Title Trustee for Truman 2016*
12 *SC6 Title Trust*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 U.S. BANK NATIONAL ASSOCIATION AS
16 LEGAL TITLE TRUSTEE FOR TRUMAN
17 2016 SC6 TITLE TRUST,

18 Plaintiff,

19 vs.

20 FIDELITY NATIONAL TITLE GROUP, INC.;
21 FIDELITY NATIONAL TITLE INSURANCE
22 COMPANY; DOE INDIVIDUALS I through
23 X; and ROE CORPORATIONS XI through
24 XX, inclusive,

25 Defendants.

Case No.: 2:21-cv-01454-JCM-NJK

**STIPULATION AND ORDER FOR
LIMITED STAY OF CASE**

26 Plaintiff, U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6
27 Title Trust (“Plaintiff”) and Defendants Fidelity National Title Group, Inc. and Fidelity National
28 Title Insurance Company (“Defendants”, and with Plaintiff, the “Parties”), by and through their
undersigned counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein Plaintiff contends, and
Defendants dispute, that the title insurance claim involving an HOA assessment lien and
subsequent sale was covered by the subject policy of title insurance. There are now currently
pending in the United States District Court for the District of Nevada and Nevada state courts
more than one-hundred actions between national banks, on the one hand, and title insurers, on the

1 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA
 2 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9
 3 and/or CLTA 115.2/ALTA 5 Endorsements.

4 The Parties have conferred and believe a limited six-month stay is warranted. The
 5 *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737
 6 (“*PennyMac*”) appeal remains pending. Additionally, there is another fully briefed appeal to the
 7 Nevada Supreme Court involving a similar coverage dispute in *Deutsche Bank Nat’l Trust Co. v.*
 8 *Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”). Both
 9 *PennyMac* and *Deutsche Bank* are fully briefed, but oral argument has not been set.¹ The Parties
 10 anticipate that the Nevada Supreme Court’s decisions in the foregoing appeals may touch upon
 11 issues regarding the interpretation of policy and claims handling, that could potentially affect the
 12 disposition of the instant action.

13 Accordingly, the Parties believe a stay of six months in the instant action will best serve
 14 the interests of judicial economy. The Parties request that the action be stayed for six months,
 15 through and including, August 7, 2023. The Parties are to submit a Joint Status Report on or
 16 before August 7, 2023. The Parties further agree that this stipulation and stay of this case is
 17 entered based on the specific circumstances surrounding this particular case, and that this
 18 stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

19 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 20 stipulate and agree as follows:

- 21 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,
 22 the Parties request that this action be **STAYED FOR SIX (6) MONTHS**, through and
 23 including, August 7, 2023.

24
 25 ¹ There are also two separate appeals with the Ninth Circuit involving similar coverage disputes.
 26 The appeal in *Wells Fargo Bank, N.A. v. Commonwealth Land Title Ins. Co.*, Case No. 19-16181
 27 is fully briefed, but the Ninth Circuit has deferred its decision pending the *PennyMac* and
 28 *Deutsche Bank* appeals. See Dkt. Ent. 75. The appeal in *U.S. Bank Nat’l Ass’n v. Stewart Title*
Guaranty Co., Case No. 22-17015 is in the early stages of briefing with U.S. Bank’s opening brief
 currently due February 28, 2023.

2. All deadlines currently set in this case shall remain **VACATED**.
3. The Parties are to submit a Joint Status Report on or before August 7, 2023.
4. By entering into this Stipulation, none of the Parties is waiving its right to subsequently move the Court for an order lifting the stay in this action.
5. Notwithstanding this Stipulation, the Parties may continue to conduct third-party discovery (including by issuing and enforcing third-party subpoenas) to preserve evidence.

IT IS SO STIPULATED.

DATED this 7th day of February, 2023.

DATED this 7th day of February, 2023.

WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN, LLP

/s/ Lindsay D. Dragon

/s/ Kevin S. Sinclair

Lindsay D. Dragon, Esq.

Kevin S. Sinclair, Esq.,

Nevada Bar No. 13474

Nevada Bar No. 12277

7785 W. Sahara Ave., Suite 200

16501 Venture Blvd., Suite 400

Las Vegas, NV 89117

Encino, CA 91436

*Attorneys for Plaintiff, U.S. Bank National
Association as Legal Title Trustee for
Truman 2016 SC6 Title Trust*

*Attorneys for Defendants, Fidelity National
Title Group, Inc. and Fidelity National Title
Insurance Company*

IT IS SO ORDERED.

Dated February 10, 2023


UNITED STATES DISTRICT JUDGE